

nea REQUESTED
FEDERAL ELECTION
NATIONAL EDUCATION ASSOCIATION

Robert E. Chase, President
Reg Weaver, Vice President
Marilyn Monahan, Secretary-Treasurer
Don Cameron, Executive Director

JUL 17 12 48 PM '97
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Washington, D.C. 20036-3290
(202) 822-7033 Fax (202) 822-7033
OFFICE OF GENERAL COUNSEL

July 15, 1997

Kenneth A. Davis
Reports Analyst
Federal Election Commission
Washington, D.C. 20463

Re: Contributions to Texas County Democratic Parties

Dear Mr. Davis:

This is a follow-up to my letter of June 18, 1997, which contained the response of the National Education Association Political Action Committee ("NEA-PAC") to your June 4, 1997 letter to Ken Melley. In your letter, you stated that a preliminary review of NEA-PAC's 12 Day Pre-General Report (10/1/96 - 10/16/96) indicated that NEA-PAC had exceeded the contribution limit set forth in 2 U.S.C. § 441a(a) by making separate \$5,000 contributions to the Tarrant County (TX) Democratic Party, the Dallas County (TX) Democratic Party, the Harris County (TX) Democratic Party, and the Texas Democratic Party during 1996. You advised NEA-PAC to "notify the recipient and request a refund of the amount in excess of \$5,000," and to "inform the Commission of [its] corrective action immediately in writing and provide a photocopy of the refund request sent to the recipient committee(s)."

In my June 18 letter, I informed you that:

At the time the contributions were made to the county parties, however, it was NEA-PAC's understanding that each party was separate and distinct from the others and that none had been "established, financed, maintained, or controlled" by the Texas Democratic Party. Although there is nothing in your letter to indicate why this understanding is not correct, NEA-PAC will not at this juncture debate the point. Therefore, it has written to each of the county parties requesting a refund of the \$5,000 contribution it made on October 9, 1996.

Enclosed with my June 18 letter were photocopies of the letters requesting refunds that NEA-PAC had sent to the county parties.

On June 28, 1997, Lisa Y. Payne, Chairperson of the Dallas County Democratic Party, stated that NEA-PAC's request for a refund is not well-founded. In a letter to NEA-PAC Accountant Gerard Polchinski, a copy of which is enclosed for your convenience, Ms. Payne maintained that "the state

July 15, 1997

Kenneth A. Davis

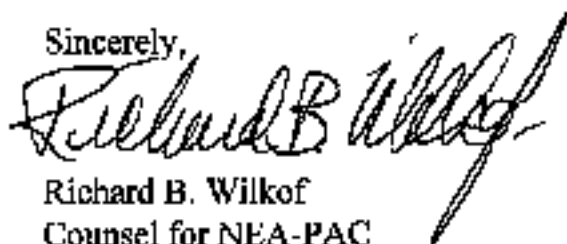
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and county parties are not subject to one contribution limit," and that "the refund that you have requested, apparently believing that this contribution was unlawful, is not required." NEA-PAC has received no correspondence, including refunds, from the other Texas County Democratic Parties in question.

NEA-PAC has no desire to get involved in a dispute between the Texas County Democratic Parties and the Federal Election Commission regarding the proper interpretation of federal and state election laws. NEA-PAC has made a good faith effort to take the action you suggested, and believes it can do nothing more until the Commission and the Democratic Parties resolve this matter.

If you have any questions regarding this letter, please feel free to contact me.

Sincerely,



Richard B. Wilkof
Counsel for NEA-PAC

enclosures: (1)

cc:

Don Cameron, Executive Office

Evelyn Temple, Executive Office

Mary Elizabeth Teasley, Government Relations

Gerard Polchinski, Business and Finance

DALLAS COUNTY DEMOCRATIC PARTY

RECEIVED
FEDERAL ELECTION
COMMISSION

LISA Y. PAYNE

Chair

JUL 17 12 43 PM '97

June 28, 1997

Gerard Polchinski
National Education Association
1201 16th Street, N.W.
Washington, D.C. 20036-3290

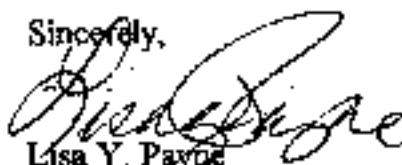
Dear Gerard:

We have received your request for a refund of your contribution to the Dallas County Democratic Party. We understand that the Federal Election Commission has contacted you about this contribution and raised a question about whether your political committee may have exceeded the contribution limits by contributing to the state and county party in Texas.

We are currently addressing this issue with the FEC and have provided information to demonstrate that the state and county Democratic parties are not affiliated, as that term is defined under the FEC's regulations. The county and state parties have been acting under the same structure for many years and there has never been any question of affiliation. Therefore, the state and county parties are not subject to one contribution limit. We are confident that the information we have provided to the FEC demonstrates that there is no affiliation and that the contribution your political committee made to the party is lawful.

Therefore, the refund that you have requested, apparently believing that this contribution was unlawful, is not required. We will alert you in the event there is any additional information that comes to our attention about this issue in the future.

Sincerely,



Lisa Y. Payne
County Chair

Federal Election Commission
ENVELOPE REPLACEMENT PAGE
FOR INCOMING DOCUMENTS

The Commission has added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	DATE OF RECEIPT
<input checked="" type="checkbox"/> First Class Mail	POSTMARKED 7/15/97
<input type="checkbox"/> Registered/Certified Mail	POSTMARKED
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> Received from the House Office of Records and Registration	DATE OF RECEIPT
<input type="checkbox"/> Received from the Senate Office of Public Records	DATE OF RECEIPT
<input type="checkbox"/> Other (Specify):	POSTMARKED
	and/or DATE OF RECEIPT
Q.A.Q. PREPARED	7/18/97 DATE PREPARED